

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

KATRINA HILL,

Petitioner,

v.

CIVIL ACTION NO. 1:04-0470

VANESSA P. ADAMS,
Warden, FPC Alderson,

Respondent.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered on May 20, 2002, and filed in this case on May 14, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation. Magistrate Judge VanDervort filed his proposed findings and recommendation on September 29, 2004. In that filing, the magistrate judge recommended that this court dismiss petitioner's application for writ of habeas corpus by a person in state or federal custody pursuant to 28 U.S.C. § 2241 and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein.* Accordingly, the court hereby DISMISSES petitioner's application for writ of habeas corpus (Doc. No. 1) and ORDERS this matter removed from the court's docket.

The Clerk is directed to forward a certified copy of this memorandum opinion and judgment order to all counsel of record and to the petitioner.

IT IS SO ORDERED this 28th day of April, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge

* Further, the relief the petitioner requests cannot be granted. The petitioner asks to be placed in a Community Corrections Center (CCC) before the March 26, 2005 date established by the Bureau of Prisons. A check of the Federal Bureau of Prisons' Inmate Locator established that the petitioner is currently located in a CCC at CCM Raleigh. Because petitioner is already located in a CCC the requested relief cannot be granted.